

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

COMMONWEALTH)	
OF MASSACHUSETTS et. al.)	
)	
Plaintiffs,)	CIVIL ACTION NO. 25-CV-10338-AK
)	
v.)	
)	
NATIONAL INSTITUTES OF HEALTH)	
et al.)	
)	
Defendants,.)	
)	

DECLARATION OF MICHAEL LAUER

I, Michael S. Lauer, hereby declare as follows:

1. I am the Deputy Director of the Division of Extramural Research at the National Institutes of Health (NIH), an operating division of the United States Department of Health and Human Services (DHHS). I have held this position since 2015. In this position, I am responsible for overseeing the NIH's grants program and ensuring that NIH grant awards comply with applicable laws, regulations, and policies.
2. On February 10, 2025, I was informed that the United States District Court for the District of Massachusetts had issued a Temporary Restraining Order enjoining the NIH

from implementing, applying, or enforcing the Rate Change Notice contained in NIH Grants Notice NOT-OD-25- 068 within Plaintiff States until further order is issued by this Court. The referenced Guide Notice establishes an indirect cost rate of 15% on all institutions of higher learning that receive NIH grant funding.

3. I confirm that NIH has not implemented or enforced the indirect cost rate described in the Guide Notice and that the agency will not do so with respect to grantees in the Plaintiff states pending further instructions from the court. I also confirm, as far as the steps the agency has taken, that NIH has instructed all components responsible for disbursement not to implement the rate change within the Plaintiff States.
4. I am aware that Notice of the Court's Order has been provided to the Program Support Center, the component of DHHS that manages the disbursement of NIH grant award funding.

I HEREBY DECLARE TO THE BEST OF MY KNOWLEDGE AND BELIEF,
UNDER PENALTY OF PERJURY under the laws of the United States of America,
that the foregoing is true and correct.

EXECUTED this _11th_ day of February 2025 at __4:49 PM_____.

Michael S.
Lauer -S

Digitally signed by Michael
S. Lauer -S
Date: 2025.02.11 16:50:17
-05'00'

Michael S. Lauer, M.D.